

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

07-cr-159-bbc

v.

TROY THOMAS,

Defendant.

Defendant has filed a “Motion for Discovery, Material, etc.” in which he asks for copies of his sentencing transcript, indictment, plea agreement and other discovery documents. He states that he wishes to use the transcripts and documents to pursue a motion under 28 U.S.C. § 2255. I construe the motion as a request for preparation of the transcripts at government expense, pursuant to 28 U.S.C. §753(f), which provides in relevant part:

Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States . . . if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

Defendant has not said what aspect of his conviction he wishes to challenge or

explained how the transcripts and documents are necessary to decide the issue. Without this information, I cannot certify either that his motion would not be frivolous or that the transcripts are necessary. Therefore, his request for preparation of the transcripts at government expense will be denied without prejudice.

If defendant wishes, he may obtain a copy of the transcripts at his own expense by writing directly to the Court Reporters Office, United States District Court, 120 N. Henry Street, Madison, WI, 53703, (608) 255-3821.

ORDER

IT IS ORDERED that defendant's motion for preparation of transcripts at government expense pursuant to 28 U.S.C. §753(f) is DENIED without prejudice.

Entered this 3d day of September, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge